SUPREME COURT OF THE UNITED STATES.

No. 81.

ANDREW ALDRIDGE AND AL., PLAINTIFFS IN ERROR,

vs.

NATHANIEL F. WILLIAMS.

IN ERROR TO THE CIRCUIT COURT UNITED STATES FOR THE DISTRICT OF MARYLAND.

INDEX.

	Original.	Print
Declaration	1	2
Statement of facts	4	3
Judgment	10	8
Writ of error	13	9
Citation and service	15	10
Appeal bond	16	10
Clerk's certificate	18	11

THE UNITED STATES OF AMERICA,
District of Maryland, to wit:

At a Circuit Court of the United States, for the fourth circuit, in and for the Maryland district, begun and held at the city of Baltimore, on the first Monday in November, in the year of our Lord one thousand eight hundred and forty-two.

Present, the honorable Roger B. Taney, chief justice of the Supreme Court of the United States; Upton S. Heath, judge of Maryland district; Z. Collins Lee, esquire, attorney; Thomas B. Pottenger, esquire, marshal; Thomas Spicer, clerk.

Among other, were the following proceedings, to wit:

ANDREW ALDRIDGE, FRANCIS W. ALRICKS,
vs.
NATHANIEL F. WILLIAMS, collector.

Be it remembered, that heretofore, to wit, on the thirtieth day of August, in the year of our Lord one thousand eight hundred and forty-two, the said Andrew Aldridge and Francis W. Alricks, by J. Glenn and R. Johnson, their attorneys, declared, in the circuit court here, against the said Nathaniel F. Williams, in a plea of trespass on the case, and so forth, in the words and of the tenor following, to wit:

Declaration.

In the Circuit Court of the United States of America, for the fourth circuit, in and for the Maryland district.

MARYLAND DISTRICT, *to wit:*

Nathaniel F. Williams, collector of the customs for the district of Baltimore, a citizen of the State of Maryland, was attached to answer, unto Andrew Aldridge and Francis W. Alricks, in a plea of trespass on the case, &c.

And whereupon, the said plaintiffs, by J. Glenn, attorney, complain: for that, whereas, the said Williams, on the first day of August, in the year of our Lord eighteen hundred and forty-two, to wit, at the district aforesaid, was indebted to the said plaintiffs in the sum of ten thousand dollars, for the work and labor, care, diligence, and attendance of the said plaintiffs, before that time done, performed, and bestowed, in and about the business of the said defendant, and at his special instance and request; and also for divers materials and other necessary things, by the said plaintiff, before that time, found and provided, and used and applied, in and about that work and labor, for the said defendant, and at his special instance and request. And also, in the further sum of ten thousand dollars for divers goods, wares, and merchandise, by the said plain-

tiffs, before that time, sold and delivered to the said defendant, and at his like special instance and request. And also, the further sum of ten thousand dollars for money, by the said plaintiffs, before that time, lent and advanced to, paid, laid out, and expended, for the said defendant, and at his like special instance and request. And also, in the further sum of ten thousand dollars for other money, by the said defendant, before that time, had and received, to and for the use of the said plaintiffs; and being so indebted, he, the said defendant, in consideration thereof, afterwards, to wit, on the day and year aforesaid, at the district aforesaid, undertook, and then and there faithfully promised the said plaintiffs, to pay the said plaintiffs the said several sums of money in this count mentioned, when the said defendant should be thereunto afterwards requested.

Nevertheless, the said defendant hath not yet paid the aforesaid several sums of money, or any part thereof, to the said plaintiffs, (although so to do the said defendant was requested by the said plaintiffs afterwards, to wit, on the same day and year last aforesaid, and often afterwards, to wit, at the district aforesaid,) but to pay the same, the said defendant has hitherto altogether refused, and *do* still refuse so to do, to the damage of the said plaintiffs twenty thousand dollars of like current money; and thereupon they bring suit, &c.

JOHN GLENN, *Attorney for Plaintiffs.*

Which said declaration is thus endorsed, to wit:

"Mr. Spicer: Docket this case by consent. J. Glenn, R. Johnson, for plaintiffs; Z. C. Lee, for defendant."

And thereupon, at this day, to wit, the first Monday in November, in the year of our Lord one thousand eight hundred and forty-two, come into the circuit court here, the said Andrew Aldridge and Francis W. Alricks, by their attorneys aforesaid, and the said Nathaniel F. Williams, by his attorney aforesaid.

Thereupon, the parties aforesaid, by their attorneys aforesaid, filed in the circuit court here the following statement of facts, to wit:

Statement of facts.

ALDRIDGE, HIGDON & COMPANY,
vs.
NATHANIEL F. WILLIAMS, collector of the customs for the port of Baltimore.

In this case it is admitted that, on the 20th August, 1842, the plaintiffs in this cause imported into the port of Baltimore, from Liverpool, in England, a large quantity of good, wares, and merchandise, and on the same day entered the same at the custom-house in the port of Baltimore; that the following is a true entry and list of said goods, their quality, character, and value.

Import entry.

Entry of merchandise imported by Aldridge, Higdon & Co., in the ship Lelia, Higgins, master, from Liverpool, August 20, 1842.—Marks A. H. & Co.

Nos.	Packages and contents.	Quantity.	Value.
10	One bale blankets -	100 prs.	£13 8 0
11 12 13	Three bales do -	300	40 4 0
14	One bale do -	100	18 0 8
15 16 17 18	Four bales do -	400	72 2 8
19	One bale do -	99	17 17 3
20	One bale do -	100	21 12 6
21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43	Twenty-three bales do -	2300	497 7 6
44	One bale blankets -	99	21 8 4
45	One bale do -	100	26 9 4
46 & 47	Two bales do -	200	52 18 8
48	One bale do -	99	26 4 3
1 49	One bale do -	100	29 15 8
2 49			
1 50	One bale do -	98	29 4 4
2 50			
1 X 2 51	One bale do -	100	39 0 0
1 X 2 52	One bale do -	98	43 15 3
1 X 2 53	One bale do -	100	50 5 0
1 X 2 54	One bale do -	97	49 9 6
1 X 2 55	One bale do -	100	51 1 6
1 X 2 56	One bale do -	100	51 1 6
57	One case beaver cloth -	16 ends	123 17 4
58	One case pilot cloth -	14	30 19 6
59	One bale do -	14	31 7 0
60	One bale do -	14	31 16 2
61	One bale do -	14	31 7 10
62	One bale do -	14	30 2 10
63	One bale do -	14	30 16 2
64	One bale do -	16	65 9 11
65	One bale do -	16	66 13 0

ENTRY—Continued.

Nos.	Packages and contents.	Quantity.	Value.
66	One bale pilot cloth -	16 ends	£66 7 11
67	One bale do -	16	66 6 3
68	One bale do -	14	29 2 3
69	One bale do -	14	28 19 3
70	One bale do -	14	28 15 8
71	One bale do -	14	28 16 7
72	One bale do -	14	34 11 4
73	One bale do -	14	34 13 3
74	One bale do -	14	34 13 3
75	One bale do -	14	34 12 3
76	One bale do -	14	35 5 8
77	One bale do -	14	34 19 0
78	One bale do -	14	35 11 5
79	One bale do -	14	35 2 16
80	One bale do -	14	30 2 3
81	One bale do -	14	30 0 9
82	One bale do -	14	30 7 6
83	One bale do -	14	30 9 0
84	One case merinos -	40 ps.	75 10 0
85	One case do -	40	83 10 0
86	One case do -	40	83 10 0
87	One case do -	40	93 10 0
88	One case do -	40	101 10 0
89	One case do -	40	65 12 0
90 91 92 93 94 95	Six cases do -	240	393 12 0
96	One case do -	40	73 12 0
97 98 99 100	Four cases do -	160	294 8 0
101	One case do -	40	91 18 0
102	One case do -	40	69 15 0
103	One bale shawls -	426	82 7 4
104	One case alpaca cloth -	40	109 11 11
105	One case do -	40	128 2 2
106	One bale paddings -	20	18 11 11
107	One bale do -	20	19 12 11
108	One bale do -	21	42 1 7
109	One bale do -	21	50 11 0
1 & 2 110	One bale toilinett vesting	100	80 8 0
111	One case vesting -	30	29 17 11
112	One case alpaca serges -	40	37 8 0
113	One case beaver cloths -	16	118 8 10

ENTRY—Continued.

Nos.	Packages and contents.	Quantity.	Value.
114	One case beaver cloths -	16 ps.	£118 12 1
115	One case do -	16	117 0 9
116	One case do -	16	118 18 9
117	One case cassimeres -	20	100 14 2
118	One case vestings -	30 ends	96 10 7
119	One case verona serges -	40	37 0 4
120	One case roslyn checks -	60	99 9 7
121	One case do -	60	113 3 9
122	One bale canvass -	40	18 16 7
123	One bale do -	40	19 3 0
124	One case cambricks -	150	55 4 10
125	One case do -	150	55 4 10
126	One case hose - -	120	88 9 0
127	One case do - -	240	168 18 0
128	One case do - -	50	63 1 6
129	One bale rocking -	16 ps.	46 6 2
130	One bale do -	16	46 3 1
131	One bale do -	16	58 8 6
132	One bale do -	16	58 12 6
133	One bale floor cloth -	10	49 6 3
134	One case cords - -	25	46 9 1
135	One case do - -	25	47 13 10
X 136	One case buffalo cloth -	24	30 9 0
137	One case do -	24	35 9 3
138	One case cords - -	24	35 11 6
139	One case do - -	24	35 7 6
140	One case do - -	24	35 9 6
141	One case velvets -	52	61 8 4
142	One case do -	48	57 15 2
143	One case mouslin de lain	35	35 8 8
144	One case quilts - -	150	50 2 3
145	One case do - -	150	50 2 3
146	One bale shawls -	400	48 15 9
147	One bale do -	400	48 16 8
148 149 150 151	Four bales do -	1200	195 6 8
152	One bale do -	300	62 9 3
153	One case cassimeres -	20 ends	70 2 6
154	One case do -	18	57 12 4
155	One case vesting -	94	95 19 7
156	One case mouslin de lane	50	35 0 0
157	One case do -	50	35 0 0

ENTRY—Continued.

Nos.	Packages and contents.	Quantity.	Value.
158	One case Orleans cloth -	40 ends	64 17 6
159	One case do -	40	64 17 6
160	One case do -	40	64 17 6
161	One case wool velvets -	22	49 1 6
162	One case bandanoes -	100	60 12 6
165	One bale cloaking	26	118 9 0
166	One case cassimere -	19	119 5 6
171	One bale swanskins -	24 ps.	60 17 0
172 & 173	Two bales do -	48	121 14 0
174	One case mouslin de lane	52	67 6 6
175	One case do -	51	67 3 2
176	One do. bl'k & white prints	60	24 2 8
177	One case do -	60	24 2 8
178	One case chusans -	30	47 14 11
			£8,041 5 11
Carriage to Liverpool - - - -			5 17 11
Insurance - - - - -			1 14 2
Pattern cards - - - - -			2 4 3
1 pr. blankets, sample, in 6 bales - -			3 5
1 do do 25 - -			4 1
1 do do 4 - -			5 1
1 do do 4 - -			5 8
1 do do 3 - -			7 6
1 do do 3 - -			9 9
1 do do 6 - -			12 6
			£8,053 10 3
Commission, 2½ per cent. - - -			201 6 9
			£8,254 16 0

Adjustment.

Value at Baltimore per appraisement - -	$44,346 00
20 per cent.—am't duties paid collector under protest	8,869 20
Value per invoice, £ str. 8,254 16 0, or - -	$36,651 00
20 per cent. - - - . -	7,330 20
Duty per home valuation - - - -	$8,869 20
Per invoice value - - - -	7,330 20
	1,539 00

That, on their entry, the defendant exacted and required of the plaintiffs to pay, as and for duties on said goods, the sum of eight thousand eight hundred and sixty-nine dollars and two cents, which the plaintiffs first refused to pay, but not being able to get their goods without paying the same, they did pay the same under protest; that the value of the goods, by the true invoice cost, adding freight and other charges, was thirty-six thousand six hundred and fifty-one dollars, ($36,651;) that the home valuation in Baltimore, as fixed by the appraisers, was forty-four thousand three hundred and forty-six dollars, ($44,346;) that the duties upon the invoice cost and charges would have been seven thousand three hundred and thirty dollars and twenty cents, ($7,330 20.)

It is further agreed, that the duties, so collected as aforesaid by the defendant, were exacted under, and in pursuance of, orders and regulations from the Treasury Department of the Government of the United States, and with the approbation, and sanction, and direction of the President of the United States.

And it is also admitted, that the amount exacted as aforesaid by defendant of plaintiffs, and by them paid him as aforesaid, was deposited by the defendant in the Merchants' bank of Baltimore, to the credit of the Treasurer of the United States, on the 29th August, 1842.

It is also agreed, that the court may infer, from the facts hereinbefore agreed upon, whatever a jury might infer.

If, upon the foregoing statement of facts, the court shall be of opinion that the plaintiffs are entitled to recover the above sum of eight thousand eight hundred and sixty-nine dollars and twenty cents, ($8,869 20,) or any part thereof, then judgment to be entered for the plaintiffs, for the amount so determined to be due, with interest; if they should be of opinion that the plaintiffs are not entitled to recover at all, then judgment to be entered for defendant.

It is further agreed, that this court enter up a judgment upon the aforegoing case, stated for the defendant, and that the plaintiffs be at liberty to appeal, or prosecute a writ of error to the like effect and purport, as if the above facts were stated in a bill of exceptions, and judgment rendered upon them for the defendant.

And it is further agreed, that either party shall be at liberty, in the Supreme Court, to raise and argue, in that court, any points or questions which, it may appear to that court, could be raise upon the aforegoing facts.

REVERDY JOHNSON, *for Plaintiffs.*
Z. COLLINS LEE, *U. S. Attorney.*

29*th November*, 1842.

Judgment.

Whereupon, all and singular the premises being seen, heard, and by the court here fully understood, for that it appears to the court here, that the said Andrew Aldridge and Francis W. Alricks are not

entitled to recover the plea aforesaid. Therefore, it is considered by the court here, *pro forma, by consent of parties*, that the said Andrew Aldridge and Francis W. Alricks take nothing by their declaration aforesaid, but be in mercy for their false clamour, and so forth; and that the said Nathaniel F. Williams go thereof, without a day, and so forth. It is also considered by the court here, that the said Nathaniel F. Williams do recover against the said Andrew Aldridge and Francis W. Alricks the sum of twelve dollars $\frac{50}{100}$, for his costs and charges by him about his defence in this behalf sustained, to the said Nathaniel F. Williams, by the court now here, adjudged; and that the [said] Nathaniel F. Williams have thereof his execution, and so forth.

Afterwards, to wit, on the twenty-ninth day of November, in the year of our Lord one thousand eight hundred and forty-two, the aforesaid Andrew Aldridge and Francis W. Alricks, by their attorneys aforesaid, produced to the said circuit court here, the writ of the said United States of America for the correcting of errors, of and upon the premises aforesaid, commanding the record and proceedings of the judgment aforesaid, so as aforesaid rendered, with all things concerning the same, to be transmitted to the Supreme Court of the United States, to be held at the city of Washington, on the second Monday of January next; which said writ of error is in the words and of the tenor following, to wit:

THE UNITED STATES OF AMERICA, *ss:*

[L. S.] The President of the United States, to the judges of the circuit court of the United States for the district of Maryland, greeting:

Because, in the record and proceedings, as also in the rendition of the judgment of a plea, which is in the said circuit court before you, between Andrew Aldridge and Francis W. Alricks, plaintiffs, and Nathaniel F. Williams, defendant, a manifest error hath happened, to the great damage of the said Andrew Aldridge and Francis W. Alricks, as by their complaint appears; we being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf; do command you, if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same at the city of Washington on the second Monday in January next, in the said Supreme Court to be then and there held; that the record and proceedings being inspected, the said Supreme Court may cause further to be done therein, to correct that error, what of right, and according to the laws and custom of the United States, should be done.

Witness the honorable Roger B. Taney, chief justice of our Supreme Court, the second Monday in January, in the year of our Lord one thousand eight hundred and forty-two.

Issued 29th November, 1842.

THO. SPICER, *Clerk C. C.*

In pursuance whereof, and according to the form and effect of the act of Congress in such case made and provided, a transcript of the record and proceedings of the judgment aforesaid, so as aforesaid rendered, with all things relating to the same, together with the said writ of error, are hereby transmitted to the said Supreme Court accordingly.

The United States of America, to Nathaniel F. Williams, greeting:

You are hereby cited and admonished to appear at a Supreme Court of the United States, to be held at the city of Washington on the second Monday in January next, pursuant to a writ of error filed in the clerk's office of the circuit court of the United States, for the fourth circuit, in and for the Maryland district, wherein Andrew Aldridge and Francis W. Alricks are plaintiffs, and Nathaniel F. Williams is defendant, to show cause, if any there be, why the judgment rendered against the said Andrew Aldridge and Francis W. Alricks, in the said writ of error mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness my hand and seal, this sixteenth day of December, eighteen hundred and forty-two.

R. B. TANEY, [L. S.]
Chief Justice of the Supreme Court U. S.

I acknowledge notice of the above citation.

Z. COLLINS LEE, *U. S. Attorney.*

Know all men by these presents, that we, Andrew Aldridge, Francis W. Alricks, and Samuel Riggs, of the city of Baltimore, are held and firmly bound unto Nathaniel F. Williams, collector of the customs for the district of Baltimore, in the full and just sum of five hundred dollars, current money, to be paid to the said Nathaniel F. Williams, his heirs, executors, administrators, or assigns, to which payment, well and truly to be made and done, we hereby bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this 16th day of December, in the year of our Lord one thousand eight hundred and forty-two.

Whereas, heretofore, to wit, on the 30th day of August, in the year of our Lord one thousand eight hundred and forty-two, the said Andrew Aldridge and Francis W. Alricks instituted a suit in the circuit court of the United States, for the fourth circuit, in and for the Maryland district, against the said Nathaniel F. Williams,

for the recovery of a large sum of money, to wit, the sum of ten thousand dollars, current money.

And whereas, at the November term, eighteen hundred and forty-two, of the said court, by the judgment thereof, it was considered, "that the said Andrew Aldridge and Francis W. Alricks take nothing by their declaration aforesaid, but be in mercy for their false clamor, and so forth; and that the said Nathaniel F. Williams go thereof without a day, and so forth." And it was further considered, "that the said Nathaniel F. Williams do recover against the said Andrew Aldridge and Francis W. Alricks, the sum of twelve dollars and fifty cents for his costs and charges by him about his defence in this behalf sustained, to the said Nathaniel F. Williams, by the court now here, adjudged; and that the said Nathaniel F. Williams have thereof his execution, and so forth."

And whereas, the said Andrew Aldridge and Francis W. Alricks have sued out the writ of the United States of America for the correcting of errors, and a citation directed to the said Nathaniel F. Williams, citing and admonishing him to be and appear at a Supreme Court of the United States, to be held at the city of Washington on the second Monday in January next, to show cause, if any there be, why the judgment aforesaid, so as aforesaid rendered, as in the said writ of error mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Now the condition of the above obligation is such, that if said Andrew Aldridge and Francis W. Alricks shall well and truly prosecute with effect their said writ of error, and pay to the said Nathaniel F. Williams the costs and charges which have been adjudged to him in the said circuit court, and also all such costs and charges which may be awarded by the said Supreme Court, in case they, the said Andrew Aldridge and Francis W. Alricks, shall fail to make their said plea good, then the above obligation to be void, otherwise to be and remain in full force and virtue.

ANDREW ALDRIDGE, [L. S.]
FRANCIS W. ALRICKS, [L. S.]
SAMUEL RIGGS. [L. S.]

Signed, sealed, and delivered, in presence of
PHILIP T. HARDING.

December 16, 1842—approved.

R. B. TANEY.

In testimony that the aforegoing is a true copy, taken from the record and proceedings of the circuit court aforesaid, [L. S.] I hereunto subscribe my name, and affix the seal of the said district court, this twentieth day of December, in the year of our Lord one thousand eight hundred and forty-two.

THO. SPICER, *Clerk C. C.*